

### REMARKS/ARGUMENTS

#### *Amendments in General / Claim Rejections - 35 U.S.C. § 112*

1. Claims 2 and 17 were rejected under §112.
2. Claim 2 has been cancelled. The subject matter of claim 2 has been incorporated into claim 1. The subject matter of claim 2 (and claim 17 for that matter) was amended to make it clear that the pet's neck is not a part of the claimed invention but that the garment comprises a collar **configured to be worn** around said pet's neck. Such changes add no new matter.
3. Claim 17 has been amended to claim dependency from claim 12 instead of claim 1. Such changes overcome the Examiner's rejection and adds no new matter.

#### *Claim Rejections - 35 USC § 102*

4. The Examiner rejected claims 1 under §102(b) as being anticipated by Rosen, et al., and Cotty, Jr., et al.
5. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d. 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 828 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). MPEP § 2131.
6. Although Applicant disagrees with the rejection, in the interests of obtaining a speedy allowance, claim 1 has been amended to include the limitations of claim 2. As noted above, that incorporated subject matter has been adjusted to make it clear that the pet's neck is not a part of the claimed invention but that the garment comprises a collar **configured to be worn** around said pet's neck.
7. The addition of that element to claim 1 results in Rosen and Cotty no longer anticipating the present invention as claimed in claim 1 or any of the claims that depend therefrom (claims 3-12).

Examiner Nguyen  
Serial # 10/811,366

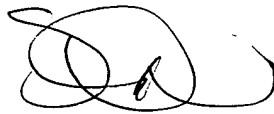
**CONCLUSION**

If the Examiner feels it would advance the application to allowance or final rejection, the Examiner is invited to telephone the undersigned at the number given below.

Reconsideration and allowance of the application as amended is respectfully requested.

DATED this 26<sup>th</sup> day of August 2005.

Very respectfully,



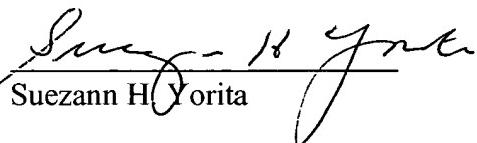
STEPHEN M. NIPPER  
Reg. No. 46,260  
(208) 345-1122

**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that this correspondence is being deposited with the United States Postal Service on the below date as first class mail in an envelope addressed to:

Mail Stop Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

DATE: August 26, 2005



Suezann H. Yorita